

# House File 2444 - Introduced

HOUSE FILE 2444  
BY COMMITTEE ON HUMAN  
RESOURCES

(SUCCESSOR TO HSB 630)

## A BILL FOR

1 An Act relating to child care facilities, including child  
2 abuse reporting and the prohibition of certain persons from  
3 involvement with child care.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 232.69, subsection 1, paragraph b, Code  
2 2018, is amended by adding the following new subparagraph:

3 NEW SUBPARAGRAPH. (14) An employee, operator, owner, or  
4 other person who performs duties for a children's residential  
5 facility certified under chapter 237C.

6 Sec. 2. Section 237A.5, subsection 2, paragraph d, Code  
7 2018, is amended by adding the following new subparagraph:

8 NEW SUBPARAGRAPH. (4) If a person subject to a record  
9 check refuses to consent to a record check or if the person  
10 makes what the person knows to be a false statement of material  
11 fact in connection with a record check, the person shall be  
12 prohibited from involvement with child care.

13 Sec. 3. Section 237A.5, subsection 2, paragraph i, Code  
14 2018, is amended by striking the paragraph and inserting in  
15 lieu thereof the following:

16 *i.* (1) A person subject to an evaluation shall be  
17 prohibited from involvement with child care under any of the  
18 following circumstances:

19 (a) The person has a record of founded child abuse or  
20 dependent adult abuse that was determined to be sexual abuse.

21 (b) The person is listed or is required to be listed on  
22 any state sex offender registry or the national sex offender  
23 registry.

24 (c) If the person has committed any of the following  
25 felony-level offenses:

26 (i) Child endangerment or neglect or abandonment of a  
27 dependent person.

28 (ii) Domestic abuse.

29 (iii) A crime against a child including but not limited to  
30 sexual exploitation of a minor.

31 (iv) A forcible felony.

32 (v) Arson.

33 (d) The person has a record of a misdemeanor conviction  
34 against a child that constitutes one of the following offenses:

35 (i) Child abuse.

1 (ii) Child endangerment.

2 (iii) Sexual assault.

3 (iv) Child pornography.

4 (2) If, within five years prior to the date of application  
5 for registration or licensure under this chapter, for  
6 employment or residence in a child care facility or child care  
7 home, or for receipt of public funding for providing child  
8 care, a person subject to an evaluation has been convicted  
9 of a controlled substance offense or has been found to have  
10 committed physical abuse, the person shall be prohibited from  
11 involvement with child care for a period of five years from  
12 the date of conviction or founded abuse. After the five-year  
13 prohibition period, the person may submit an application for  
14 registration or licensure under this chapter, or to receive  
15 public funding for providing child care or may request an  
16 evaluation, and the department shall perform an evaluation  
17 and, based upon the criteria in paragraph "h", shall determine  
18 whether prohibition of the person's involvement with child care  
19 continues to be warranted.

20 EXPLANATION

21 The inclusion of this explanation does not constitute agreement with  
22 the explanation's substance by the members of the general assembly.

23 This bill relates to child care facilities, including child  
24 abuse reporting and the prohibition of certain persons from  
25 involvement with child care.

26 Code section 232.69(1), relating to mandatory reporters  
27 of child abuse, is amended to include an employee, operator,  
28 owner, or other person who performs duties for a children's  
29 residential facility certified under Code chapter 237C as  
30 mandatory reporters of child abuse. Under Iowa law, mandatory  
31 reporters of child abuse must comply with certain training and  
32 reporting requirements.

33 Under current law in Code section 237A.5 relating to child  
34 care personnel, a criminal record check is required for certain  
35 persons who provide or are involved with child care. The bill

1 prohibits a person subject to a record check from involvement  
2 with child care if the person refuses to consent to a record  
3 check or knowingly makes a false statement of material fact in  
4 connection with a record check.

5 Under current law, a person is prohibited from involvement  
6 with child care if the person has a record of founded child  
7 abuse or dependent adult abuse that was determined to be sexual  
8 abuse, the person is listed on the sex offender registry  
9 under Code chapter 692A, or the person has committed certain  
10 felony-level offenses. The bill expands current law to provide  
11 that a person is prohibited from involvement with child care if  
12 the person is required to be listed on any state sex offender  
13 registry or the national sex offender registry and includes  
14 arson on the list of prohibited felony-level offenses.

15 The bill provides that a person is prohibited from  
16 involvement with child care if the person has a record of  
17 a misdemeanor conviction against a child that constitutes  
18 child abuse, child endangerment, sexual assault, or child  
19 pornography.

20 Under current law, a person subject to an evaluation who has  
21 been convicted of a controlled substance offense under Code  
22 chapter 124 is prohibited from involvement with child care  
23 for five years from the date of conviction. The bill amends  
24 current law to provide a person is prohibited from involvement  
25 with child care for any controlled substance conviction.